



**Town of Arlington, Massachusetts**  
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## Redevelopment Board, 2002 Town Meeting report

### **Report of the Arlington Redevelopment Board to the 2002 Annual Town Meeting**

**Source: Arlington Planning Office**

Below the Board lists the warrant articles on which it is required to issue a recommendation. Each article is briefly explained and is followed by the Board's vote. The Board's vote was unanimous on each one of its recommendations. Town Meeting members should take particular note that the recommendation of the Redevelopment Board, not the original warrant article, is the motion that will be considered by the Town Meeting. A vote of "no action" means that the Town Meeting will be asked to vote that no action be taken on the proposed warrant article. Sometimes the recommended vote shown in this report differs slightly from the warrant article. This occurs when errors are discovered or testimony at the public hearing convinces the Board that a change should be made. In such cases, the changes must not differ from the original to the extent that the scope of the warrant article is changed. When there is question about the scope, the Town Moderator will make the judgment. Any changes to an article are noted in the text below.

In all illustrations of the amended bylaw sections below, highlighted text indicates additions and ~~struck through~~ text indicates deletions.  
 [Note: The Web version of this report does not show highlighted text.]

#### **ARTICLE 4 ZONING BYLAW AMENDMENT / HOME OCCUPATION**

This article was submitted by the Redevelopment Board and is intended to modify the bylaw to allow person's to conduct a home occupation in a structure other than the principal residence. It responds to requests to create office and studio space in existing garage or other accessory buildings. It would also allow the construction of new such structures. The size and placement of garages and other accessory structures is strictly controlled in the bylaw so this change does not allow larger or more imposing structures. The conversion of garages to office or studio space usually cannot occur because the parking spaces in the garage are required and cannot be duplicated without violating open space requirements. Extra space within garages or carriage houses, however is frequently used for hobby space, but is technically not available if the use is for a home occupation.

The proposed amendment would allow such activities to be located in accessory structures. A home occupation must comply with all other bylaw provisions.

#### **VOTED:**

**That the Town vote to amend the Zoning Bylaw in Article 5, Section 5.05 in subsection c in the first sentence by deleting the words, "so used" and inserting in place thereof the words, "in the principal building," and by deleting subsection "b The use is carried on strictly within the principal building," and re-lettering in alphabetical order the subsections that follow.**

#### **AMENDED BYLAW SECTION**

##### **Section 5.05 - Home Occupation**

**ART. 12, ATM 4/93**

For the use of a dwelling in any "R" district for a home occupation, the following conditions shall apply:

a. No nonresident shall be employed therein.

b. ~~The use is carried on strictly within the principal building.~~

c. Not more than twenty-five (25) percent of the existing gross floor area of the dwelling unit ~~so used~~ in the principal building, not to exceed six hundred (600) square feet, is devoted to such use. In connection with such use, there is to be kept no stock in trade, commodities or products which occupy space beyond these limits.

d. That there shall be no display of goods or wares visible from the street.

e d. All advertising devices visible from off the lot are specifically prohibited.

f e. The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a structure containing more than one dwelling unit, the use shall in no way become objectionable or detrimental to any residential use within the structure.

g f. Any such building shall include no feature of design not customary in buildings for residential use.

## **ARTICLE 5 ZONING BYLAW AMENDMENT / CATERING**

This article was submitted by the Redevelopment Board and is intended to acknowledge the growing and desirable catering activity conducted by restaurants. The current bylaw was written to control the type of catering operation that has traditionally been only a catering operation without facility for serving food to patrons at the premises. The creation of the new "Catering Service" use allows restaurants to engage in catering without going through a special permit process. This also extends the ability of restaurants in the B2 and B5 districts to engage in catering services just like all other restaurants, but still excludes stand-alone caterers.

### **VOTED:**

**That the Town vote to amend the Zoning Bylaw in Article 2, Definitions, by inserting directly after the definition for Carport two new definitions as follows,**

#### **"Catering:**

**Provision of prepared food, and sometimes food presentation, service staff and equipment to an off-premises location.**

#### **Catering Service:**

**Food preparation at an establishment whose principal use is restaurant or fast-order food establishment, in quantities in excess of individual meal offerings, intended for consumption at an off-premises site.", and**

**in Article 5, Section 5.04, Table of Use Regulations in use 6.15 by deleting the word, "Caterer" and inserting in place thereof the word, "Catering", and**

**in the same section by adding at the end a new accessory use, "8.22 Catering Service" and by inserting a "Yes" in the columns labeled "R7", "B1", "B2", "B2A", "B3", "B4", "B5", "PUD", and "I".**

## **AMENDED BYLAW SECTIONS**

### **Section 2.01 General**

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#### **Catering:**

**Provision of prepared food, and sometimes food presentation, service staff and equipment to an off-premises location.**

#### **Catering Service:**

**Food preparation at an establishment whose principal use is restaurant or fast-order food establishment, in quantities in excess of individual meal offerings, intended for consumption at an off-premises site.**

### **Section 5.04 Table of Use Regulations**

#### **SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)**

District																				
I	T	Principal Use OS	R0	R1	R2	R3	R4	R5	R6	R7		B1	B2	B2A	B3	B4	B5		H	PUD
6.15		Caterer Catering										SP	SP	Yes				SP	Yes	
		Accessory Use																		
8.22		Catering Service							Yes		Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	

**ARTICLE 6 ZONING BYLAW AMENDMENT / PROTECTION OF OPEN SPACE**

This article was submitted by the Arlington Redevelopment Board. The effect of the amendment is to make any outdoor use that also requires a special permit and a building permit subject to review by the ARB. This does not affect all outdoor uses, only those subject to a special permit and only in cases where the construction of a structure supporting the outdoor use makes a building permit necessary.

**VOTED:**

**That the Town vote to amend Article 11, Section 11.06 b.1,(g), by deleting the words, “except 2.09, 3.02, 4.01, 4.08 and accessory open space and recreation uses, which occupy more than 10,000 square feet of land.”**

**AMENDED BYLAW SECTION****Section 11.06 - Environmental Design Review**

a. PURPOSE. The purpose of this section is to provide individual detailed review of certain uses and structures which have a substantial impact upon the character of the town and upon traffic, utilities and property values therein, thereby affecting the public health, safety and general welfare thereof. The environmental design review process is intended to promote the specific purpose listed in Section 1.03 of this Bylaw. For the purpose of implementation of this Section, the ARB is designated as the Special Permit Granting Authority in accordance with the provisions of Chapter 40A, Section 1.

**b. APPLICATION.**

ART. 8, ATM 4/94; ART. 74, ATM 3/77; ART. 11, STM 5/97; ART. 80, ATM 4/80; ART. 9, ATM 4/98

1. In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use a) requires a building permit, b) is subject to a special permit in accordance with Section 5.04, Table of Use Regulations, or alters the facade in a manner that affects the architectural integrity of the structure, and c) is one of the uses included in subparagraphs (a), (b), (c), (d), (e), (f), (g), or (h) below, the aforementioned special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards hereinafter specified.

- (a) Construction or reconstruction on a site abutting

Massachusetts Avenue

Pleasant Street

Mystic & Medford Streets between Massachusetts Avenue and Chestnut Street

Broadway

Minuteman Bikeway

ART. 16, ATM 4/01

- (b) Six or more dwelling units on the premises, whether contained in one or more structures.

- (c) Gasoline service stations.

- (d) Lodging house, bed and breakfast, bed and breakfast home or a rehabilitation residence with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.

- (e) Nonresidential uses and hotels or motels in a nonresidential district with more than 10,000 square feet of gross floor area or with 20 or more parking spaces.

- (f) Nonresidential uses in a residential district with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.

- (g) ~~Outdoor uses, except 2.09, 3.02, 4.01, 4.08 and accessory open space and recreation uses, which occupy more than 10,000 square feet of land.~~

- (h) Wireless communication facility.

**ARTICLE 7 ZONING BYLAW AMENDMENT / BICYCLE PARKING**

This article was submitted by the Redevelopment Board at the request of the Arlington Bicycle Advisory Committee and is intended to require the provision of bicycle parking spaces in any new development or change of use. The intent is to enable bicycle usage which is deemed to have a positive effect by creating spaces for parking bicycles. The proposed standards are related to vehicle parking requirements and contain flexibility to allow a special permit to adapt the requirement to a specific project. There are some very slight language changes in the vote and subsection "c" in the warrant was moved to the end of the section and labeled "e".

**VOTED:**

**That the Town vote to amend the Zoning Bylaws in Article 8, Off Street Parking and Loading Regulations, by adding a new section as follows:**

**"Section 8.13 – Bicycle Parking**

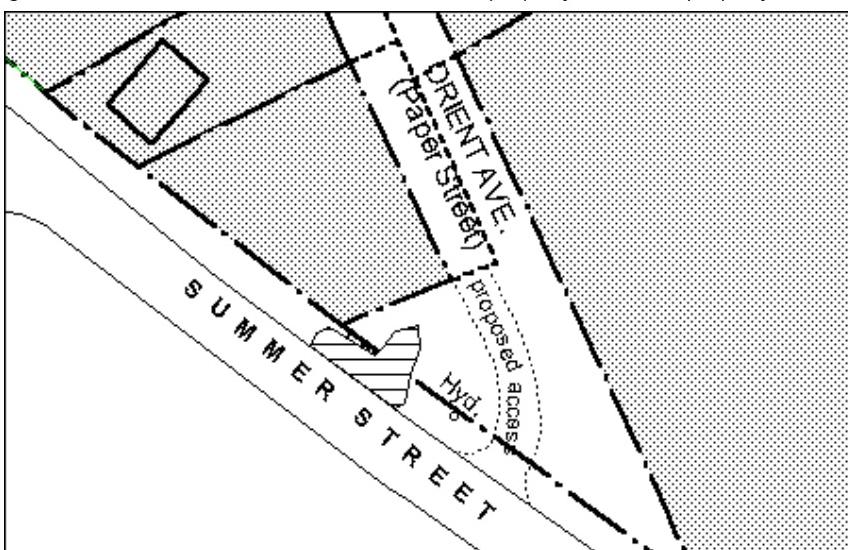
The intent of this section is to recognize and encourage the use of bicycles and other human-powered vehicles for transportation within the Town of Arlington. These alternatives to motorized vehicles contribute to the safety and welfare of the town by reducing traffic and associated emissions and encouraging exercise. Bicycle parking areas will provide access to employment, commercial, and other travel destinations. Off-street bicycle parking shall be provided in accordance with the following standards.

Apartment house with more than eight dwelling units shall provide one bicycle space per four dwelling units, with a minimum of four spaces and a maximum of fifty spaces. All other uses shall provide one bicycle parking space per ten automobile parking spaces as required in Section 8.01 rounded up to the nearest ten spaces.

- a. Non-residential uses that are allowed a reduction of the parking space requirements under Section 8.12 shall be required to provide the bicycle parking spaces in the amount of one for each ten automobile spaces for the full amount that would otherwise be required for such use in Section 8.01 rounded up to the nearest ten.
- b. In cases requiring a special permit, the ZBA, or in cases subject to Environmental Design Review, the ARB, may reduce required automobile parking spaces by one for each six bicycle parking spaces provided. Under no circumstances may an action under this section reduce the required number of automobile spaces by more than ten percent.
- c. Each bicycle parking space shall be sufficient to accommodate a bicycle 6 feet in length and 2 feet in width. Bicycle racks must be secured to the ground or a permanent wall.
- (1) When automobile parking spaces are provided in a structure, all required bicycle spaces shall be located inside that structure or shall be located in other areas protected from the weather. Bicycle parking spaces in parking structures shall be separated from auto parking to minimize the possibility of a parked bicycle being hit by a car.
- (2) Long-term bicycle parking shall be safe and secure from vandalism and theft and protected from the elements. Short-term (customer or visitor) parking should be visible and convenient to a building entrance so as to reasonably reduce the likelihood of bicycle theft.
- d. Any property owner required to have bicycle parking, or any property owner wishing to offer bicycle parking may elect to establish permanent shared bicycle parking facility with any other property owner within the same block.
- e. The requirements of this section may be modified by special permit where there is a finding by the special permit granting authority that for the use and location, a modification would be in the best interest of the Town."

#### ARTICLE 8 AUTHORIZATION TO DISPOSE OF LAND

This article was submitted by the Redevelopment Board and is intended to facilitate the process by which the Town is adding land to the Reed's Brook park site by obtaining the exclusive right to land that is now in a paper street (Orient Avenue between Summer Street and the Lexington line). This was authorized by Town Meeting in 1998 (Art. 57). This was a "no cost" item (that is, just pay the legal costs associated with abandoning the street). By means of this effort, the Town and the other abutting property owners would acquire exclusive right the half of the street that touches his or her property. The other property owners contributed to the legal costs and we went to court together.



A problem arose at 733 Summer Street. This is one of four houses in this section of Summer St. where there are short driveways leading to garages in the house or in the front yard. These residents have to exit their driveways by backing onto Summer St. At #733, the owner parks in their rear yard by driving up Orient Ave -- which he has every right to do. Yet, in order for us to get the land we desire, we have to ask him to give up his rights to pass over the paper street.

He doesn't want to stop parking in the rear yard, and frankly we don't want anybody who doesn't have to back out onto Summer St. Therefore we seek a way that will allow him to continue this practice while we gain the land we wish. In order for him to continue parking in his rear yard, he will

have to drive over a portion of the street which will become exclusively Arlington's. We ask that the Town Meeting give the Selectmen the authority to grant an easement that will allow him to pass over Town land.

**The vote on this article is included in the Selectmen's report to Town Meeting.**

#### **ARTICLE 9 ZONING BYLAW AMENDMENT / DEFINITION OF DUPLEX**

This article was submitted by the Zoning Bylaw Review Committee and is intended to modify the definition of duplex. Currently the Zoning Bylaw defines two-family house as a two unit building in which part of one unit is over part of the other unit, and a duplex house is two units in which no part of one unit is over the other unit. The proposed amendment expands the duplex house definition by requiring that the two side-by-side units actually share a common wall for most of its height and depth.

The Board held a public hearing on March 4, 2002, no one spoke for or against the issue, but the Board received a letter objecting to the proposed change. The Board feels that the more restrictive definition is an unnecessary limitation on the creativity of housing design.

**VOTED:**

**No action.**

#### **ARTICLE 12 ZONING BYLAW AMENDMENT/ HEIGHT OF BUILDING**

This article was submitted by the Zoning Bylaw Review Committee and proposes to change the way in which the height of a building in the R1, R2 and R0 district is calculated. Building height in all districts is calculated by measuring from the average grade elevation of the curb of the street abutting the property. But in the case of residential properties on hills (slopes of more than 5%) the height is measured from the "finished grade adjoining the building as computed before the building is actually erected". The proposed amendment eliminates the alternate calculation for hilly lots.

A member of the Zoning Bylaw Review spoke in favor of the change at the public hearing held March 4, 2002. The Board feels that the elimination of the alternate method of calculation unfairly penalizes those on hilly lots by artificially lowering the allowable height they are able to build. A residence is allowed to be 35 feet high and is also limited to 2-1/2 stories. A problem with the proposed amendment is the limitation it places on the many lots in Arlington that slope sharply upward from the street such that the house is constructed on land

much higher than the street. The amendment would severely limit the height of a house on such a lot such that it may not be able to achieve the permitted 2-1/2 stories. The height calculation applies to the alteration of current structures as well as to new buildings.

The existing bylaw changes the apparent allowable height of houses on sloped lots (although the house itself is never more than 35 feet high) depending on the slope of the land across the footprint of the house. The change in elevation across the footprint is rarely more than ten feet, therefore the range of changes in apparent height rarely exceeds five feet.

The proposed amendment changes the allowable height by the amount of elevation difference between the curb and the part of the lot where the house will be located such that the house will never be more than thirty five feet above the curb. This means that a house fifteen feet above the curb could be only twenty feet high. Conversely a house fifteen feet below the curb could be fifty feet high (but still only 2-1/2 stories). The Board feels the proposed amendment provides little benefit and unfairly penalizes one and two-family houses built on upward sloping lots.

**VOTED:**

**No action.**

#### **ARTICLE 13 ZONING BYLAW AMENDMENT/ MAXIMUM HEIGHT**

This article was submitted by the Zoning Bylaw review Committee and proposes to reduce the number of stories allowed in the B2A zoning district. The B2A district was created in 1997 following the Arlington Business Community Study. It was created to house major businesses and apartments. Property placed in the district is on Massachusetts Avenue, Broadway and Mill Street. Structures are allowed to be three stories in height except that apartments on Massachusetts Avenue and Broadway can be three or four stories. The proposed amendment seeks to limit all buildings in the district to 2-1/2 stories.

A member of the Zoning Bylaw Review Committee spoke in favor of the article at the public hearing March 4, 2002. The intended purpose of the amendment is to reduce the impact on adjoining residential properties. The Board feels that the existing dimensional controls are adequate to prevent large structures. The choice of a 2-1/2 story limit which mimics the one and two-family house limit is not really appropriate for commercial buildings. a half story is by definition a story under a slanted roof which is a style that is rarely used in commercial buildings. As a practical matter, this limits all commercial structures to two stories.

As the bylaw is today, commercial buildings may be built right on the sidewalk and touch the side lot lines as we prefer in commercial districts, but there are setbacks in the rear. Apartment buildings – as opposed to commercial - have significant setbacks on all four sides that keep the building away from the lot lines. The largest building that may be built in the B2A district is an apartment on Massachusetts Avenue or Broadway. Such a structure is limited to a Floor Area Ratio of 1.2 meaning that a two story building may occupy only 60% of the lot area; a three story building may occupy only 40% of the lot area; and a four story building may occupy only 30% of the lot area. This building, however is limited to 25 feet in height whenever it is in proximity of low density residence districts (R0, R1, R2) or the Open Space district (see Section 6.13 regarding height buffer areas). Parking requirements also tend to limit the size of structures.

**VOTED:**  
**No action**

**ARTICLE 14 ZONING BYLAW AMENDMENT/ ENVIRONMENTAL DESIGN REVIEW**

This article was submitted by the Zoning Bylaw Review Committee and is intended to add the concept of a "special place" to the Zoning Bylaw. For legal reasons, the concept cannot be considered for addition to the Zoning Bylaw at this time. The concept however is being considered under Warrant Article 11 on which the Selectmen will report.

**VOTED:**  
**No action.**

**ARTICLE 15 ZONING BYLAW AMENDMENT / SIGNS**

This article was submitted by ten registered voters. It generally proposes to amend the Town Bylaw and/or the Zoning Bylaw to allow non-profit organizations to erect signs for charitable purposes without regulation. The Redevelopment Board held a hearing on March 4, 2002; no one spoke for or against the article. The proponents have not explained its intent or how it would be implemented or what language would accomplish its purpose. In general the Board guards against the proliferation of signs and experience has shown that even with regulation, signs are difficult to control. The Zoning Bylaw already contains a provision for temporary signs and the section (Section 7.03,m) gives special privilege to signs for public or charitable purposes.

**VOTED:**  
**No action.**

**ARTICLE 16 ZONING BYLAW AMENDMENT / CONSTRUCTION FLOODING CORRECTIONS**

This article was submitted by ten registered voters. The Redevelopment Board held a public hearing on the article on March 4, 2002 and several people spoke in favor of it. The article proposes that a developer post a bond or otherwise make funds available whenever a commercial structure or more than ten units of housing is built within two hundred yards of a stream or wetland. The funds would be held five years and would be used to remedy any problems caused by flooding that existed prior to the development or was caused by the development.

It is not recommended that this become part of the Zoning Bylaw, the Board of Selectmen will report on this article.

**ARTICLE 17 BYLAW AMENDMENT / WETLAND PROTECTION**

The Board of Selectmen will report on this article.